

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brad A. Lovett Group Art Unit: 1782
Serial No.: 10/588,710 Examiner: Jacobson, Michele Lynn
Filed: 08/07/2006 Confirmation No.: 4638
Title: AROMATIC POLYAMIDE TUBING FOR VEHICLE APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed October 21, 2011. Appellant will respond to only a few select points, without repeating all of the arguments presented in the Appeal Brief. The Appellant maintains each of the arguments raised in the Appeal Brief. The following remarks are made in supplement to the Appeal Brief.

Argument

With particular regard to the examiner's remarks in response to the Applicant's arguments, the examiner appears to be arguing that increasing the amount of aromatic monomer present in the tubing layer will increase the percentage of amide groups attached to aromatic rings, as all aromatic monomers are necessarily attached to aromatic rings even though not all amide groups are necessarily attached to aromatic rings.

The examiner has not, however, presented any evidence with regards to what effect varying the levels of amide groups attached to aromatic rings would have. The examiner instead relies on Pallmer's disclosure that the presence of aromatic monomers results in increased stiffness compared to aliphatic nylon that does not include aromatic groups.

In order to properly establish a result effective variable, the examiner must establish that the variable is a variable, the variation of which “achieves a recognized result, before the determination of the optimum workable ranges of said variable might be characterized as routine experimentation.” Pallmer does not include any statements, nor has the examiner asserted that Pallmer includes any statements, with regard to what effect varying the levels of aromatic monomer present in the tubing would have. Instead, the examiner relies solely on the statement that the presence of an aromatic monomer results in increased stiffness.

Thus, the examiner has failed to establish that the variation of the variable relied upon has a known effect, and has not established a proper result-effective variable. All of the examiner’s rejections rely on the examiner’s use of the above described improper result-effective variable, and as such all of the rejections are improper for this reason as well as the reasons stated in the Appeal Brief. Therefore, the rejection should be overturned.

Closing

For the reasons set forth above, final rejection of claims 1, 4-6, 10-13, 31-33 and 35-38 is improper and must be reversed.

Respectfully submitted,

/Stephen A. Burch/
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Dated: December 20, 2011